

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of American Canyon for Approval to Construct a Public At-Grade Crossing of the California Northern Railroad Track, Located in Napa County, State of California.

Application 01-09-021
(Filed September 13, 2001)

Application of the City of American Canyon for Approval to Construct a Public At-Grade Crossing of the California Northern Railroad Track, at South Napa Junction Road, Located in Napa County, State of California.

Application 05-05-014
(Filed May 6, 2005)

ADMINISTRATIVE LAW JUDGE'S RULING CONSOLIDATING PETITION FOR MODIFICATION OF DECISION 02-06-059 IN APPLICATION 01-09-021 WITH APPLICATION 05-05-014, AND REVISING PROCEDURAL SCHEDULE

The parties have requested that the Petition for Modification of Decision 02-06-059 in Application (A.) 01-09-02 be consolidated with A.05-05-014 pursuant to Rule 55 of the Commission's Rules of Practice and Procedure. These two applications, which are respectively concerned with establishing a public grade crossing in an area of the City of American Canyon slated for major redevelopment, involve related questions of law and fact. They will best be resolved in a single consolidated proceeding. It is in the interest of the public safety and welfare to avoid piecemeal resolution of the associated issues.

The parties additionally report that they are close to agreement on a comprehensive settlement concerning the establishment of all grade crossings on the California Northern Railroad's rail line that runs through the area in

question, including the two at issue here. They intend to present their settlement to the Commission for approval, permitting the Commission to pursue its statutory oversight concerning establishment of the crossings. The parties have asked that all current procedural deadlines, except for the respective statutory deadlines for issuance of Commission's decisions be vacated to facilitate their negotiations. They also ask that a prehearing conference be conducted on March 20, 2006, to review the status of this matter in lieu of commencing the evidentiary hearing in A.05-05-014. In view of the present posture of the two proceedings, these requests are reasonable.

In consideration of these circumstances, **IT IS RULED:**

1. The Petition for Modification of Decision 02-06-059 in Application (A.) 01-09-021 is hereby consolidated with A.05-05-014 pursuant to Rule 55 of the Commission's Rules of Practice and Procedure.

2. All procedural deadlines and other dates that have been scheduled in A.05-05-014, except for the November 6, 2006 deadline for the Commission to issue its decision, are hereby vacated, and the previous failure of any party to satisfy a deadline to serve prepared testimony in accordance with that schedule is excused.

3. In lieu of the evidentiary hearing that was set in A.05-05-014, a prehearing conference concerning this consolidated proceeding will be held in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California, 94102, at **1:30 p.m., on March 20, 2006**. At the prehearing conference, the parties shall be prepared to report on the status of the

anticipated settlement, and to establish a mutually agreeable schedule for concluding the entire matter no later than the November 6, 2006 deadline for issuance of the Commission's decision, whether or not the matter has settled.

Dated March 6, 2006, at San Francisco, California.

/s/ VICTOR D. RYERSON

Victor D. Ryerson
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Consolidating Petition for Modification of Decision 02-06-059 in Application 01-09-021 With Application 05-05-014, and Revising Procedural Schedule on all parties of record in this proceeding or their attorneys of record.

Dated March 6, 2006, at San Francisco, California.

/s/ KRIS KELLER

Kris Keller

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.